

ENTERED

October 16, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

NORBERTO ATENCIO

Plaintiff,

VS.

PORT AMERICA

Defendant.

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CIVIL ACTION NO. 3:19-cv-00197

ORDER OF DISMISSAL


On September 17, 2019, the Court sent notice to all parties to attend an initial pretrial and scheduling conference on September 25, 2019. [Dkt. 11]. Plaintiff, who is proceeding *pro se*, did not appear. Accordingly, the Court issued an order to show cause, directing Plaintiff to appear for a hearing on October 16, 2019. [Dkt. 12]. In its order, the Court expressly warned Plaintiff that failure to appear will result in the dismissal of his case. *Id.* On October 16, 2019, Plaintiff, again, failed to appear.

Federal courts have the authority to dismiss a case for failure to prosecute or failure to comply with a court order. Fed. R. Civ. P. 41(b) (permitting a court to dismiss an action if the plaintiff “fails to prosecute or to comply with . . . a court order”); *see also Martinez v. Johnson*, 104 F.3d 769, 772 (5th Cir. 1997) (holding district courts have the inherent authority to *sua sponte* dismiss a cause of action for failure to prosecute or comply with a court order).

Based on Plaintiff's failure to comply with this Court's orders, it is hereby
ORDERED that Plaintiff's claims are **DISMISSED WITHOUT PREJUDICE**.

THIS IS A FINAL JUDGMENT

Signed at Galveston, Texas on this, the 16th day of October, 2019.


JEFFERY VINCENT BROWN
UNITED STATES DISTRICT JUDGE